

REMARKS

Claims 1-32 are pending in the Application. Claims 1-32 are rejected under a judicially-created doctrine of obviousness-type double patenting over U.S. Patent No. 5,661,786. The '786 Application shares the same inventor as the present Application. Claims 1-32 are also rejected under 35 U.S.C. §102(b) over the same '786 Patent.

Double-Patenting Rejections

While Applicant disagrees with the Examiner's assertion that the pending claims would be obvious over the claims issued in the Horn '786 patent, Applicant notes that the claims have been amended for further clarification of the invention. Furthermore, if the claims appear to be otherwise allowable over the cited art of record, Applicant may be amenable to addressing the double-patenting rejection with a Terminal Disclaimer. However, such a Terminal Disclaimer would appear to be unnecessary due to the fact that the issued Horn '786 claims do not claim the same subject matter or have the same scope as the currently-pending claims nor are the currently-pending claims obvious based on the earlier claims.

Section 102 Rejections

It is well established that, under §102 of the Patent Statute, it is necessary that the cited reference, in this case, Horn '786, specifically disclose each and every element recited in the claims. Accordingly, the Horn '786 patent would have to teach and disclose each and every one of the recited elements of the pending

claims. Independent Claims 1 and 17 have been amended to further clarify the invention. Specifically, those claims recite a lockout system, which incorporates a locking device coupled in line with a signal cable, wherein a locking device, when actuated, disables the signal cable. Those claims further recite a processor that is coupled to the locking device. The processor is configured to selectively actuate and de-actuate the locking device, thereby disabling and enabling the signal cable. There is no such teaching of that element in the Horn '786 patent. Furthermore, the Examiner has not pointed to any specific teaching in the Horn '786 patent regarding that element.

Accordingly, under Section 102, the currently-pending claims cannot be anticipated by Horn '786. As such, those claims are in an allowable form with respect to that cited art.

Accordingly, an indication of the allowability of the claims is respectfully requested at the Examiner's earliest convenience. If any issues remain in the case which be handled in an expedited fashion, such as through a telephone interview, the Examiner is certainly encouraged to contact the Applicant's undersigned representative for such discussions. Claims 4 and 20 are cancelled.

Applicant is submitting the fee due for the one-month extension of time with this response. If any additional fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

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Respectfully submitted,

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